United Nations S/2003/198

# Security Council

Distr.: General
19 February 2003

Original: English

## Letter dated 14 February 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Counter-Terrorism Committee, I have the honour to submit a note setting out the action to be taken by the Committee to take forward the matters contained in the ministerial declaration adopted by the Security Council in its resolution 1456 (2003) of 20 January 2003 (see annex).

I should be grateful if could arrange for the present letter and its annex to be circulated as a document of the Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-25278 (E) 190203

## Annex

### Follow-up of the Counter-Terrorism Committee to resolution 1456 (2003) of the Security Council

On 20 January 2003, the Security Council, meeting at the level of foreign ministers, adopted by resolution 1456 (2003) a declaration on the issue of combating terrorism. The declaration called for the Committee to take action on a number of points. A list of those points and the action that the Committee proposes to take is set out below:

1. **Take action with the States who have not submitted or are late in submitting a report, and keep the Council informed (para. 4 (i))**

   - The Committee fulfilled its intention to write to all such States by 8 February 2003 requesting them to submit a report.
   - By 28 February 2003, the subcommittees will have held meetings with all States who have not submitted a report.
   - By 4 April 2003, the Committee will write to the Security Council reporting on the state of play.

2. **Inform the Council of progress in States' responses to the Committee's requests for information, comments and questions, including informing the Council of any difficulties that the Committee encounters (para. 4 (ii))**

   - The Committee will report at three-month intervals on progress in monitoring States' implementation of resolution 1373 (2001), including through their responses to its requests for information, comments and questions.
   - In its discussion of each State's implementation of resolution 1373 (2001), the Committee will consider whether its requests for information, comments and questions have been answered, and will report any concerns to the Security Council

3. **Bear in mind all international best practices, codes and standards which are relevant to the implementation of resolution 1373 (2001) (para. 4 (iii))**

   - The Committee's experts will bear in mind this instruction when preparing outgoing letters, and the subcommittees will monitor its application in their review of outgoing letters.
   - The Committee will include in outgoing letters an invitation to States to inform the Committee of the details of any efforts to implement international best practice, codes and standards which are relevant to the implementation of resolution 1373 (2001).

4. **Step up efforts to facilitate the provision of assistance by developing targets and priorities for global action (para. 5)**

   - The Committee's experts and subcommittees, in consultation with each State, will develop a "matrix" to include prioritized information on the assistance needs of the State concerned.

- The matrix will be shared with Governments and, as appropriate, international, regional, subregional and other organizations, on a monthly basis, enabling potential assistance providers to make decisions about focusing their assistance activity on the areas of greatest need.
- The Committee will, by the end of April 2003, include in the matrix an updated and agreed entry for every State which is likely to need assistance in a priority area of resolution 1373 (2001).

5. **Work with other international organizations to evaluate ways to enhance the effectiveness of action against terrorism, including through dialogue and exchange of information (para. 7)**

- The Committee's experts will visit international organizations whose work is relevant to the implementation of resolution 1373 (2001) to discuss further cooperation and information exchange on matters relating to counter-terrorism.
- The Committee will maintain and update a list of contact points in international organizations to facilitate information-sharing and cooperation on matters relating to counter-terrorism.
- The Committee will explore the possibilities of further such cooperation with international organizations, inter alia, at the special meeting to be held on 7 March 2003.

6. **Engage in a dialogue with technical agencies and organizations whose activities relate to the control of the use of or access to nuclear, chemical, biological and other deadly materials on enhancing the effectiveness of counter-terrorism activities (para. 7)**

- Write to the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to invite them to brief the Committee on activities related to counter-terrorism.
- At that briefing, explore the scope for developing new standards for controls on the use of or access to nuclear, chemical, biological and other deadly materials.

7. **Work with regional and subregional organizations, and other international organizations, to facilitate sharing of best practice and to assist their members in fulfilling their obligation to combat terrorism**

- The Committee will maintain and update a list of contact points in regional and subregional organizations to facilitate information-sharing and cooperation on matters relating to counter-terrorism.
- The Committee will explore with regional organizations ways in which it can assist them in developing initiatives to further practical cooperation among their members, including through maintaining on its web site information on examples of practical cooperation which have been successful.
- The Committee will explore the possibilities of further such cooperation with international organizations, inter alia, at the special meeting to be held on 7 March 2003.

**8. Use the special meeting to be held on 7 March 2003 to make urgent progress on the above**

- The Committee will take the directives in the ministerial declaration fully into account in preparing for its special meeting with international, regional and subregional organizations.

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# Security Council

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19 February 2003
English
Original: French

## Letter dated 19 February 2003 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I have the honour to transmit to you the final communiqué, signed at Luanda on 14 February 2003, of the meeting of ministers to draw up the modalities for the establishment of the Ituri Pacification Commission between the Democratic Republic of the Congo and Uganda (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

03-25292 (E) 200203 200203

## Annex to the letter dated 19 February 2003 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

## Final communiqué of the meeting of ministers held in Luanda on 14 February 2003 to draw up the modalities for the establishment of the Ituri Pacification Commission

1. At the request of the heads of State of the Democratic Republic of the Congo and Uganda following the consultative summit held in Dar es Salaam on 9 and 10 February 2003, the Minister for Foreign Affairs and Cooperation of the Democratic Republic of the Congo, Léonard She Okitundu, and the Minister of Regional Cooperation of Uganda, Kahinda Otafire, met today in Luanda, Angola, with the Minister for Foreign Affairs of Angola, Joao Miranda, and the Special Representative of the Secretary-General of the United Nations, Amos Namanga Ngongi, for the purpose of drawing up the practical modalities for the establishment of the Ituri Pacification Commission.

2. The actual launching of the Ituri Pacification Commission, scheduled according to the timetable adopted by the heads of State in Dar es Salaam for 25 February 2003, will be preceded by the establishment and meeting of the Preparatory Committee for the Ituri Pacification Commission, which will take place in Bunia on 17 February 2003.

3. It was agreed, in conformity with article 1, paragraph 3, of the Luanda Agreement, that Uganda will guarantee the security of all participants in the work of the Preparatory Committee and the Ituri Pacification Commission in the town of Bunia.

4. To ensure a successful conclusion and with a view to involving all the forces in the work of the Ituri Pacification Commission, the meeting approved the proposal of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for the organization in Bunia on 19 February 2003 of a ceremony of signature of an agreement on the cessation of hostilities by all protagonists.

5. The meeting also considered and resolved the issues relating to the composition of the Preparatory Committee, the timetable, and the composition and tasks of the Ituri Pacification Commission, as indicated in the annexes to the present communiqué.

6. Nevertheless, in the interests of ensuring effective representation of the grass-roots communities and social forces, including the military forces, public figures, traditional chiefs, the Business Federation of the Democratic Republic of the Congo and civil society in Ituri, the meeting accepted the possibility of revising the number of participants in the Ituri Pacification Commission upwards, following identification by MONUC in consultation with the signatory parties to the Agreement.

7. The signatories of the Luanda Agreement reiterated their firm commitment to take all necessary steps to ensure the success of the work of the Ituri Pacification Commission and to remove any obstacle likely to impede its successful progress.

8. The meeting considers that the political aspirations of the actors in Ituri will be submitted to the Special Envoy of the Secretary-General of the United Nations to the Inter-Congolese Dialogue.

9. The respective delegations of the Democratic Republic of the Congo and Uganda, as well as the MONUC delegation, welcomed the cordial spirit of mutual understanding that prevailed at the meeting and thanked the Head of State, the Government and the fraternal people of Angola for the warm welcome extended to them in Luanda, the capital of Angola.

Done at Luanda on 14 February 2003.

For the Democratic Republic of the Congo:
Léonard **She Okitundu**

For Uganda:
Kahinda **Otafire**

For Angola:
Joao **Miranda**

For MONUC:
Amos **Namanga Ngongi**

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# Security Council

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20 February 2003

Original: English

## Letter dated 20 February 2003 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

I have the honour to request that Ambassador Harald Braun, Special Representative of the German Government for the training of the Afghan police force, be allowed to participate in the meeting of the Security Council on the situation in Afghanistan on Monday, 24 February 2003, under rule 39 of the provisional rules of procedure of the Security Council, and that he be granted the right to brief the Council.

(*Signed*) Dr. Gunter **Pleuger**
Ambassador

03-25347 (E) 200203

United Nations A/ES-10/217–S/2003/201

General Assembly
Security Council

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**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Fifty-eighth year**

## Identical letters dated 20 February 2003 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

It is my regret to inform you that, since my letter to you of two days ago, the Israeli occupying forces have killed at least 17 more Palestinians, including children. Israel, the occupying Power, has intensified its military campaign throughout the Occupied Palestinian Territory, causing more bloodshed, death, injury, destruction and suffering among the Palestinian people. It is with complete disregard and utter contempt for the provisions of international law and international humanitarian law that the Israeli occupying forces are carrying out this brutal military campaign against the civilian population under occupation.

Yesterday, 19 February, the occupying forces continued to carry out intense assaults and raids throughout the Gaza Strip. In the pre-dawn hours, at least 40 tanks, backed by helicopter gunships, invaded the Shajaiyeh neighbourhood of Gaza City, while another raid was launched on the Tufah neighbourhood of the city. During these attacks, the Israeli occupying forces blew up four metal workshops, ripped out electrical cables, cutting off the electricity supply to the city, and caused damage to several other buildings. In the Tufah area, three Palestinians were killed, crushed to death when the occupying forces were blowing up the workshops. Also among those killed yesterday by the occupying forces were three Palestinian officers killed by helicopter missiles fired at a position held by the Palestinian security forces. In total, 11 Palestinians were killed and another 30 were wounded as a result of the excessive and indiscriminate force used by the Israeli occupying forces during these assaults.

The occupying forces also carried out attacks yesterday in the Old City of Nablus. Israeli soldiers raided homes and took control of several buildings, including two schools. The occupying forces killed two Palestinians during this raid in Nablus, including Mohammed Rabie Saber, a 15-year-old boy. Moreover, since yesterday, more than 40 Palestinians have been abducted and detained by the

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occupying forces in the Nablus area. Further, the Israeli occupying forces once again committed an extrajudicial execution with the killing yesterday of a Palestinian man in Jenin in a car bombing that also wounded three others.

Today, the Israeli occupying forces continued to launch attacks against the civilian population, killing at least two Palestinians, including another young boy in Nablus, and wounding several others. At the same time, the occupying Power has erected several roadblocks throughout the Gaza Strip, splitting it into three isolated sections. Moreover, the occupying forces continued to carry out the demolition of Palestinian homes, as well as the imposition of curfews on numerous Palestinian towns and cities, in collective punishment of the Palestinian people.

All of these ongoing illegal practices and measures being carried out by the Israeli occupying forces against the Palestinian people must be brought to an end. Israel, the occupying Power, cannot continue to act with impunity against the defenceless and gravely suffering civilian population under its vicious occupation. In this regard, the international community, particularly the Security Council, must take urgent measures to seriously address this tragic situation before even more loss and irrevocable damage is inflicted upon the Palestinian people by the Israeli occupying forces.

This letter is in follow-up to our previous 157 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 18 February 2003 (A/ES-10/216-S/2003/194), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, I regret to inform you that, since our last letter to you, the Israeli occupying forces have killed at least 17 Palestinians, including children, raising the total number of martyrs to 2,163 Palestinians. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia **Barghouti**
Chargé d'affaires a.i.

**Annex to the identical letters dated 20 February 2003 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council**

**Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem[*] (Wednesday, 19 February 2003, to Thursday, 20 February 2003)**

**Wednesday, 19 February 2003**

1. Amer Mahmoud Al-Dayeh
2. Abdelkarim Shabaan Bakroun
3. Abdelrahman Fazi Al-Qasas
4. Ala'a Nahed Al-Hilu
5. Saeed Nahed Al-Hilu
6. Munzir Marwan Al-Saidi
7. Iamer Darwish Al-Qita'a
8. Iyad Abed
9. Ali Abu Al-Khair
10. Abdelrahim Abu Al-Nar'i
11. Mohammed Selim Al-Sahlooli
12. Nasser Masoud Abu Safiyeh
13. Mohammed Rabie Saber (15 years old)
14. Ihaer Zakarneh

**Thursday, 20 February 2003**

1. Mohammed Aref Yussef Ouda
2. Waleed Mohammed Issa Amr
3. Ahmed Abu Zahra (17 years old)

[*] The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 2,163.

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General Assembly
Security Council

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**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Fifty-eighth year**

## Letter dated 20 February 2003 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I am writing this letter to express grave concern over a plan of the Israeli military authorities to evict Palestinian residents and seize land in Bethlehem.

The Committee has received reports that, on 16 February 2003, the Israel Defense Forces (IDF) distributed military orders to Palestinians in northern Bethlehem, instructing them to vacate their homes and shops in the area near the northern entrance to the city. The army indicated that the order was valid until 2005, but could be extended. The Palestinians believe that these measures form part of an Israeli Government plan that will have their neighbourhood cut off from the rest of the city by a separation wall. The planned wall, at least 25 feet high, will run between Rachel's Tomb and an IDF checkpoint several kilometres to the north and will completely envelope their land and the southern edge of Jerusalem. Israeli Government officials claim that the wall would protect Jewish worshippers visiting Rachel's Tomb. The shrine, however, has always been part of Bethlehem and an important pilgrimage site for people of the three monotheistic religions.

If the occupying Power is allowed to proceed with the construction of the wall, some 3,500 dunams (875 acres) of land in the neighbourhood may be confiscated. Many factories, stores, tourist facilities, a petrol station and a hospital are located in this economically vital area of the city. Moreover, this action would cause a major disruption of the economic activity in the city and the surrounding areas and result in a considerable restriction of the freedom of movement of Palestinians. The latter would also be in clear violation of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 (annex I, article V, section 7).

Over the past two years, the Committee has been increasingly alarmed by the Israeli Government's efforts at implementing the so-called "seam line area plan", a unilateral separation scheme that envisions various types of barriers, with buffer

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zones running to the east of the Green Line. In fact, sections of such barriers are now under construction in parts of the West Bank. In the process, Palestinian homes are being demolished and swathes of lands are being bulldozed and seized. The continuation of this policy is bound to exacerbate tensions on the ground and heighten resentment among the Palestinian population. The plan is also creating artificial boundaries that predetermine the outcome of future permanent status negotiations between the two sides.

As regards the latest developments in Bethlehem, we should not lose sight of the fact that for three years in a row, in resolutions entitled "Bethlehem 2000", the General Assembly came out united in expressing the need for an immediate change of the situation on the ground in the city and its vicinity, especially with regard to ensuring freedom of movement. The Assembly also stressed the need for ensuring free and unhindered access to the holy places in Bethlehem to the faithful of all religions and the citizens of all nationalities. It is now incumbent on all of us to rekindle the spirit that brought us together in 1998-2000 and do everything possible to prevent the drawing of painful dividing lines in one of the most historic and revered places on earth.

On behalf of the Committee, I would like to express the hope that you would be in a position to use your good offices with the Government of Israel in order to prevent the planned division of the Palestinian city of Bethlehem and to stop the implementation of the separation plan throughout the Occupied Palestinian Territory.

I should be grateful if you would have the present letter circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Papa Louis **Fall**
Chairman
Committee on the Exercise of the Inalienable
Rights of the Palestinian People

United Nations S/2003/203

# Security Council

Distr.: General
20 February 2003
English
Original: Arabic

## Letter dated 19 February 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 19 February 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq, containing Iraq's reply to the allegations made in the statement by the United States Secretary of State at the Security Council meeting held on 5 February 2003 (see annex).

I should be grateful if you would arrange to have this letter and its annex circulated as a Security Council document.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

03-25509 (E) 210203 230203

## Annex to the letter dated 19 February 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I should like to refer to the statement made to the Security Council on 5 February 2003 by Mr. Colin Powell, Secretary of State of the United States of America, in which he gave a 90-minute presentation that included allegations, fabrications, blatant lies, false accusations and distortion of facts. In return, the Iraqi representative was given just seven minutes to comment, a period which was insufficient to refute all the allegations.

I should like to bring to your attention our detailed comments on the contents of Mr. Powell's statement:

### I. General remarks

1. According to paragraph 10 of Security Council resolution 1441 (2002), Mr. Powell should have provided to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) all information possessed by his Government related to prohibited programmes, so that both bodies could proceed immediately with their investigations and inform the Security Council of the veracity of such information. Mr. Powell, however, decided to use the Security Council in a public meeting to put forward his allegations with the aim of promoting American aggressive intentions against Iraq among the American public and misleading the Security Council.

2. The American Secretary of State did not used appropriate diplomatic language befitting the prestige of the Security Council to describe Iraqi national political institutions, which is unfortunate and unbecoming of a Secretary of State of an administration which claims to be civilized.

3. In his statement, Mr. Powell concentrated on the so-called "gravity of the threat that Iraq's weapons of mass destruction pose to the world", and his concern about the implementation of the relevant Security Council resolutions. Within less than 24 hours of this statement, Mr. Powell announced before the Senate Committee on Foreign Relations that the aims of the United States were to occupy Iraq, reorganize the geopolitical map of the Middle East and establish better conditions for Israel. Thus, Mr. Powell has explicitly revealed that the question is not about alleged Iraqi weapons of mass destruction but about United States schemes to occupy Iraq, loot its oil, and dominate the region and its resources as a first step towards dominating the world and pursuing an all-out policy of power and hegemony.

### II. Detailed remarks

4. Mr. Powell said that "the Council placed the burden on Iraq to comply and disarm, and not on the inspectors to find that which Iraq has gone out of its way to conceal for so long. Inspectors are inspectors; they are not detectives".

Iraq has presented all that was asked of it. In 1993, the United Nations Special Commission (UNSCOM) said that it had completed 95 per cent of its disarmament tasks. In 1992, IAEA stated that it had neutralized the former Iraqi nuclear programme. Demanding that Iraq should prove a negative and claiming the presence

of concealed weapons inside Iraq without submitting proof involves illegal political purposes. With regard to the allegations that the inspectors have been unable to expose the presence of proscribed weapons, the best reply is what Mr. ElBaradei said at the Council on 14 January 2003: "IAEA's experience in nuclear verification shows that it is possible, particularly with an intrusive verification system, to assess the presence or absence of a nuclear weapons programme in a State even without the full cooperation of the inspected State".

5. Mr. Powell said that "I asked for this meeting today for two purposes: first, to support the core assessments made by Mr. Blix and Mr. ElBaradei. As Mr. Blix reported to the Council on 27 January, '... Iraq appears not to have come to a genuine acceptance — not even today — of the disarmament that was demanded of it'".

Mr. Powell misquoted Mr. Blix, whose statement was made as a comparison between what South Africa had done in terms of unilaterally eliminating its nuclear weapons voluntarily and what had been imposed on Iraq in terms of disarming under Security Council resolutions. In several paragraphs of his statement on 27 January 2003, Mr. Blix made references to Iraqi cooperation, such as its cooperation relating to "the procedures, mechanisms, infrastructure and practical arrangements to pursue inspections and seek verifiable disarmament".

6. Mr. Powell went on quoting, in a disjointed manner, Mr. ElBaradei: "As Mr. ElBaradei reported, Iraq's declaration of 7 December '... did not provide any new information relevant to certain questions that have been outstanding since 1998'".

Mr. Powell took this sentence out of context, which, in Mr. ElBaradei's words, was: "The Iraqi declaration was consistent with our existing understanding of Iraq's pre-1991 nuclear programme; however, it did not provide any new information relevant to certain questions that have been outstanding since 1998, in particular regarding Iraq's progress prior to 1991 related to weapons design and centrifuge development. While these questions do not constitute unresolved disarmament issues, they nevertheless need further clarification".

7. As to the telephone conversations presented by Mr. Powell, any amateur or any low-grade intelligence agency — not a high-tech State in terms of espionage, fabrication, deception, misinformation and the planting of false evidence like the United States — could have fabricated such conversations. As is known to anyone with a rudimentary knowledge of law, such conversations are inadmissible in a court of law.

8. Mr. Powell mentioned that "Iraq has a high-level committee to monitor the inspectors who were sent in to monitor Iraq's disarmament. Not to cooperate with them, not to assist them".

In fact there is a committee whose aim is to facilitate the work of the inspectors and direct Iraqi agencies to cooperate with them and do what is possible to expedite their work. The reports of Mr. Blix and Mr. ElBaradei on Iraqi cooperation confirm that. The inspectors have never faced any obstacles.

9. Mr. Powell said that Iraq has "made no effort to disarm as required by the international community. Indeed, the facts and Iraq's behaviour show that Saddam

Hussein and his regime are concealing their efforts to produce more weapons of mass destruction".

This statement is not based on evidence. The production of weapons of mass destruction cannot be concealed. On 14 February 2003, Mr. Blix and Mr. ElBaradei informed the Security Council that the intensive inspections and monitoring they have carried out since 27 November 2002 have not indicated any presence of weapons of mass destruction inside Iraq.

10. Mr. Powell said: "You saw the result. Mr. Blix pronounced the 12,200-page declaration rich in volume but poor in information and practically devoid of new evidence. Could any member of this Council honestly rise in defence of this false declaration?".

We have no idea on what basis Mr. Powell made this judgement. He presented this judgement as Mr. Blix's. In reality, there is no such reference in the report made by Mr. Blix. Mr. Powell deliberately misquoted Mr. Blix's statement, so as to be able to utter this falsehood. Mr. Blix's report indicated that the declaration did not include any new clarifications or additional documentation that would support the settlement of the disarmament issues pending since 1998. Mr. Blix has never said that that declaration was false. Mr. Blix, however, mentioned in his report to the Security Council on 27 January 2003 that "in the fields of missiles and biotechnology, the declaration contains a good deal of new material and information covering the period from 1998 and onward. This is welcome". As for Mr. ElBaradei, he mentioned in his report to the Security Council on 27 January 2003 that: "The Iraqi declaration was consistent with our existing understanding of Iraq's pre-1991 nuclear programme". So, which is false, the declaration or Mr. Powell's allegation?

11. Mr. Powell accused the Iraqi authorities of "the removal of all prohibited weapons from palace complexes".

Mr. Powell continues to adhere to the false and malicious belief that presidential sites (which are offices and guest houses) are stores for weapons of mass destruction, which is utterly illogical. In 1998, inspection teams had access to presidential sites and took samples from floors, walls, soil and trees, which proved all the allegations made by the American Administration in the second half of 1997 and the first half of 1998 to be false. In December 2002, inspectors revisited two presidential sites, performing all checks or examinations that proved that such palaces had none of the items alleged by Mr. Powell.

12. Mr. Powell said that "thanks to intelligence provided to them, the inspectors recently found dramatic confirmation of these reports. When they searched the home of an Iraqi nuclear scientist, they uncovered roughly 2,000 pages of documents".

Iraq has clarified that the contents of the documents belonging to this Iraqi scientist (Dr. Falleh) were provided to IAEA in 1994 through Mr. Gary Dillon, chief of the IAEA working group, as indicated in its report of 24 September 1994. So, where is the incident that Mr. Powell deemed to be a material breach? Dr. Falleh kept copies of reports prepared partially by him for the purposes of obtaining a promotion. As is known, such reports are academic rather than scientific in nature. It seems that Mr. Powell has reached an erroneous and baseless conclusion when he considers such reports to be proof of a material breach.

13. In his statement, Mr. Powell said "Our sources tell us that in some cases, the hard drives of computers at Iraqi weapons facilities were replaced. Who took the hard drives? Where did they go? What is being hidden? There is only one answer to the 'why' — it is to deceive, to hide, to keep from the inspectors".

Before being a Secretary of State, Mr. Powell was a military man. He knows very well that military sites are not weapons factories. It is natural for such sites to have a great deal of organizational and administrative information which is totally irrelevant to the mandate of the inspection teams and to weapons of mass destruction. If any administrative or organizational information has been unavailable in such sites, this does not mean that information relevant to the work of inspectors has been concealed.

14. Mr. Powell said that "numerous human sources tell us that the Iraqis are moving not just documents and hard drives but also weapons of mass destruction to keep them from being found by inspectors. We know from sources that while we were here in this Council Chamber debating resolution 1441 (2002) last fall, a missile brigade outside Baghdad was dispersing rocket launchers and warheads containing biological warfare agent to various locations in western Iraq".

If Mr. Powell had been telling the truth, such information would have been immediately made available to the inspectors, who would have gone to the missile launching site to verify the allegations.

15. Mr. Powell said that "most of the launchers and warheads had been hidden in large groves of palm trees and were to be moved every one to four weeks to escape detection".

This sentence is quoted in its entirety from an interview with the commander of the Iraqi missile brigade, when he was asked how he had been able to avoid the detection and destruction of these missiles during the 30 nation aggression in 1991. Using an old incident in bad faith, Mr. Powell transformed the Iraqi officer's statement into a deliberate accusation. If there was concealment of missiles and warheads under way, why did Mr. Powell not submit such information to UNMOVIC with a view to verifying it? Mr. Powell's statement is inaccurate.

16. Mr. Powell presented a variety of satellite photos, saying that "we also have satellite photos that indicate that banned materials have recently been moved from a number of Iraqi facilities for weapons of mass destruction". He then added that "The painstaking work of photo analysis takes experts with years and years of experience poring for hours and hours over light tables. But as I show you these images I will explain what they mean, what they indicate to our imagery specialists".

Mr. Powell believed that that presentation of satellite photos to non-specialists would make them take the photos as fact. One of the photos presented by Mr. Powell is of a weapons storehouse at Al Taji, taken on 22 December 2002. It shows a warehouse that can be seen from the street. Mr. Powell alleged that it was a chemical weapons site that had been cleared of chemical weapons a few weeks earlier. Therefore, inspectors found nothing when they arrived at the site. UNMOVIC and IAEA have taken note of and verified Mr. Powell's allegations and photos. In his report to the Security Council on 14 February 2003, Mr. Blix commented on this allegation. We are satisfied with his comment, which reads as follows: "The presentation of intelligence information by the United States Secretary of State suggested that Iraq had prepared for inspections by cleaning up

sites and removing evidence of proscribed weapons programmes. I would like to comment only on one case, with which we are familiar, namely, the trucks identified by analysts as being for chemical decontamination at a munitions depot. This was a declared site, and it was certainly one of the sites Iraq would have expected us to inspect. We have noted that the two satellite images of the site were taken several weeks apart. The reported movement of munitions at the site could just as easily have been a routine activity".

17. Mr. Powell presented a satellite photo of the Al Fattah missile inspection site/ Al Musayyib missile testing facility. In doing so, he pointed to a few arrows on the photo, indicating the presence of missile warheads, storehouses and trucks. Mr. Powell alleged that it was a site for the testing and final assembly of missiles used in proscribed activities.

Before presenting his satellite photos, Mr. Powell gave a detailed lecture on the accuracy of photos and their information, explaining how photo analysts spend hours, days and weeks analysing a photo to reach a result. We wonder why these photo analysts failed to inform Mr. Powell of the volume of warheads present at the site and of the types, measurements and ranges of missiles, and whether such measurements fall under the category of proscribed weapons. The photo presented by Mr. Powell was a genuine photo; however, the interpretation was incorrect; the activity that was being carried out when the photo was taken was an inspection of a 70-kilometre range non-proscribed (Luna) missile, named Raad [thunder] by Iraq. It is an old missile that has been dismantled and rehabilitated, as its launch systems have become outdated. This is an ongoing process at that site, which had never stopped. The site had been visited by the inspectors, who had seen the ongoing operations. So, how could Mr. Powell allege that such an installation was performing proscribed operations in the presence of the inspectors?

18. Referring to a British document, Mr. Powell said "I call my colleagues' attention to the fine paper that the United Kingdom distributed yesterday, which describes in exquisite detail Iraqi deception activities".

The British document presented by Mr. Blair to the House of Commons and praised by Mr. Powell is nothing but outdated information plagiarized from a thesis (1991) by Mr. Ibrahim Al Maraashi. Mr. Al Maraashi has talked to the press, indicating that the document was quoted verbatim from his thesis without his permission. This is plagiarism and political cheating. Mr. Blair has alleged that the information included in his report was up to date and proved Iraqi "deception". The information, however, had been collected by a post-graduate student, who published it in 1991. This scandal has received wide coverage by the British press.

19. With regard to reconnaissance flights, Mr. Powell said that "Iraq also has refused to permit any U-2 reconnaissance flights that would give the inspectors a better sense of what is being moved before, during and after inspections. This refusal to allow this kind of reconnaissance is in direct, specific violation of operative paragraph 7 of our resolution 1441 (2002)".

Mr. Powell conveyed the Iraqi position in a distorted way. Iraq has not refused the use of reconnaissance flights by UNMOVIC, including U-2 flights, but has requested the cessation, during such flights, of Anglo-American air violations over the so-called no-fly zones, imposed illegally by the United States in a blatant breach of international law, the United Nations Charter and relevant Security Council

resolutions, including resolution 1441 (2002), providing for respect for Iraq's sovereignty, political independence, and territorial integrity. On 10 February 2003, in response to pressing requests from several States, as well as from Mr. Blix and Mr. ElBaradei, Iraq agreed to U-2, Mirage, and Antonov flights along with other reconnaissance flights.

20. In his statement, Mr. Powell said that Mr. Taha Yasin Ramadan, the Iraqi Vice-President, "accused the inspectors of conducting espionage".

This statement is incorrect. Iraqi officials have criticized inspectors for posing questions of an intelligence nature. They have never accused them of spying. Mr. Powell's comment was out of order, especially if we consider that the United States has used UNSCOM to spy on Iraq, a fact that has been recognized by Ambassador Ekeus, the former chief of UNSCOM. It has been also recognized by several inspectors, including Mr. Scott Ritter, a former American inspector.

21. Mr. Powell said: "Iraq did not meet its obligations under resolution 1441 (2002) to provide a comprehensive list of scientists associated with its weapons of mass destruction programmes. Iraq's list was out of date and contained only about 500 names, despite the fact that UNSCOM had earlier put together a list of about 3,500 names". He added: "For example, in mid-December, weapons experts at one facility were replaced by Iraqi intelligence agents, who were to deceive inspectors". He noted that "Iraqi officials issued a false death certificate for one scientist, and he was sent into hiding. A dozen experts have been placed under house arrest — not in their own houses, but as a group, at one of Saddam Hussein's 'guest houses'".

These are pure lies, and we challenge Mr. Powell to provide a single name of those he termed intelligence agents who presented themselves as "arms experts" or to give the name of the scientist for whom Iraq issued a death certificate while he was still alive.

As for the list of scientists that was provided to UNMOVIC, it coincides with the organizational chart of the persons in charge of previous programmes, required by Mr. Blix from the Iraqi side; when Mr. Blix asked for further names, Iraq provided him with them. The list of names compiled by UNSCOM includes persons who were not in charge of previous programmes, including porters, gardeners, guards, cleaning workers and servants. At all events, UNMOVIC has these names as part of the legacy left by UNSCOM and can meet any one of them whenever it wishes.

22. Mr. Powell concluded that Iraq was hindering the inspectors' work and stated that "What we see is a deliberate campaign to prevent any meaningful inspection work".

In reply to this statement, it is enough to quote Mr. Blix's words before the Security Council on 14 February 2003, when he said that "Since we arrived in Iraq, we have conducted more than 400 inspections covering more than 300 sites. All inspections were performed without notice and access was always provided promptly". He added that "the inspections have taken place throughout Iraq at industrial sites, ammunition depots, research centers, universities, presidential sites, mobile laboratories, private houses, missile production facilities, military camps and agricultural sites". He stated that "through the inspections conducted so far, we have obtained a good knowledge of the industrial and scientific landscape of Iraq, as well

as of its missile capability". So where is the hindrance to inspections referred to by Mr. Powell?

23. Secretary of State Powell went on to talk about the previous arms programme as if it were still an ongoing programme and its activities were running regularly. On the biological part he said that "Iraq declared 8,500 litres of anthrax, but UNSCOM estimates that Iraq could have produced 25,000 litres. If concentrated into this dry form, this amount would be enough to fill tens upon tens upon tens of thousands of teaspoons — and Iraq has not verifiably accounted for even one teaspoonful of this deadly material".

The story of the previous Iraqi biological programme, that no longer exists, is clear. We said that in our comprehensive declaration of 7 December 2002. Inspectors conducted tests and interviews that confirmed our declaration. As for the remaining outstanding issues, the panel chaired by Ambassador Amorim attentively studied the matter and proposed to merge these issues in the ongoing monitoring phase. Security Council resolution 1284 (1999) adopted Ambassador Amorim's recommendation, as did UNMOVIC in its work plan. At the beginning of 2002, we asked UNMOVIC to engage in technical discussions on the outstanding disarmament issues, including anthrax, to review the evidence we produced to prove that Iraq is free from weapons of mass destruction and to verify them scientifically. We made proposals on how to proceed in this respect, but Mr. Blix refused to engage in any discussion about the outstanding issues. Mr. Powell's allegation that Iraq has 8,500 litres of anthrax and is capable of transforming it into a dry form ignores the fact that Iraq has not been able to dry anthrax and that the quantity we produced was in liquid form. Even if this quantity existed, its validity would have expired many years ago.

24. Mr. Powell then went on to make allegations about the chemical file in an attempt to terrorize the world with the issue of Iraq's possession of VX weapons. He said that the UNSCOM position in 1999 referred to 1.5 tons of this substance produced in 1990 and that Iraq had failed to provide sufficient evidence of its destruction. In fact, Iraq provided evidence that this quantity was destroyed because of its instability and the decomposed residues were disposed of in a certain area. UNSCOM was able to verify the existence of decomposed residues of VX but could not determine the quantity. The matter remained among the outstanding issues since 1998; Iraq is seeking its resolution in cooperation with UNMOVIC through a quantitative analysis of the area where the VX was destroyed. Concerning Mr. Powell's allegation that since the international inspectors left Iraq in 1998, "we have amassed much intelligence indicating that Iraq is continuing to make these weapons", UNMOVIC and IAEA took note of and verified all the information gathered by the United States and contained in the report that accompanied the address of the United States President to the General Assembly on 12 September 2002, the Central Intelligence Agency report entitled "Iraqi arms of mass destruction" of October 2002, the report of the British Prime Minister Tony Blair of September 2002 entitled "Iraqi arms of mass destruction: the British Government evaluation", and Mr. Powell's speech in the Security Council on 5 February 2003 to which we are replying. Mr. Blix's conclusion, which he presented to the Security Council on 14 February 2003, was that "so far, UNMOVIC has found no weapons of mass destruction" and Mr. ElBaradei concluded that "we have to date found no evidence of prohibited nuclear activities in Iraq".

25. Mr. Powell said that "we have firsthand descriptions of biological weapons factories on wheels and on rails. The trucks and train cars are easily moved and are designed to evade detection by inspectors".

If Mr. Powell had such evidence, he would have submitted it to the inspectors. UNMOVIC and IAEA are inspecting and monitoring all over Iraq but have found no evidence to confirm the authenticity of these allegations. Even after this statement by Mr. Powell, UNMOVIC and IAEA intensified truck inspections but there was still no evidence supporting Mr. Powell's allegations.

26. Mr. Powell stated that "These inspections would be unlikely — any inspections of such facilities would be unlikely — to turn up anything prohibited, especially if there is any warning that the inspections are coming."

Suffice it to recall that Mr. Blix said in his report to the Security Council on 14 February 2003 that "in no case have we seen convincing evidence that the Iraqi side knew in advance that the inspectors were coming", which means that all inspections were conducted without prior notice to the Iraqi side. On the other hand, the allegation of the inspectors' incapacity to detect prohibited activities is an attempt to conceal the United States' failure to convince the inspectors of its false allegations. The inspectors in Iraq have unmatched competence in the history of disarmament operations. Their number exceeds 120 and they conduct more than 10 inspections every day with six levels of air control, probes, sensors and radiometers that detect any prohibited activity. In practical terms, it is impossible to hide activities related to weapons of mass destruction from this kind of invasive inspection and the very sophisticated equipment that is used.

27. Mr. Powell said that "We have no indication that Saddam Hussein has ever abandoned his nuclear weapons programme. On the contrary, we have more than a decade of proof that he remains determined to acquire nuclear weapons".

In reply to this false allegation, it is enough to quote Mr. ElBaradei in his report to the Security Council on 14 February 2003 when he said that "As I have reported on numerous occasions, by December 1998 IAEA concluded that it had neutralized Iraq's past nuclear programme and that therefore no unresolved disarmament issues remained at that time". He added that "we have to date found no evidence of prohibited nuclear activities in Iraq".

28. Mr. Powell said that Iraq "is determined to get its hands on a nuclear bomb. It is so determined that it has made repeated covert attempts to acquire high-specification aluminium tubes from 11 different countries — even after inspections resumed".

The best reply to this allegation is to quote the report of IAEA contained in document S/2003/95 annexed to the report by Mr. ElBaradei to the Security Council on 27 January 2003. It says "As a result of these inspection efforts, it has been possible to confirm the existence of a programme for producing 81-millimetre rockets. The IAEA's analysis to date indicates that the specifications of the aluminium tubes recently sought by Iraq appear to be consistent with reverse engineering of rockets. While it would be possible to modify such tubes for the manufacture of centrifuges, they are not directly suitable for such use".

29. Mr. Powell said that Iraq "has been busy trying to maintain the other key parts of its nuclear programme, particularly its cadre of key nuclear scientists".

The cadre of Iraqi nuclear scientists is in the field of civilian activities, and IAEA is fully aware of their activities as they were entirely declared in detail during the period of the absence of inspectors from 1998 until now in the nuclear chapter of the second part of the Iraqi declaration of 7 December 2002. Mr. Powell's reference reveals the ill will that the American administration feels towards scientific progress and scientists in Iraq and shows its desire to keep Iraq backward.

30. Mr. Powell said that Iraq "retains a covert force of up to a few dozen SCUD-variant ballistic missiles. These are missiles with a range of 650 to 900 kilometres".

This is an obvious lie as the physical balancing of missiles with prohibited ranges was fully verified by UNSCOM in 1997. There is no evidence of the existence of any prohibited missiles. UNSCOM indicated in its report (S/1997/774, paragraph 123) that it verified all the 819 missiles, except for two, remains of which were found, but the Commission could not establish their serial numbers due to damage.

31. Mr. Powell said that "Iraq has programmes that are intended to produce ballistic missiles that fly over 1,000 kilometres".

This is a mere fallacious allegation that is baseless and absolutely unsubstantiated.

32. Presenting a satellite photograph, Mr. Powell said that "the test stand on the right is clearly intended for long-range missiles that can fly 1,200 kilometres. This photograph was taken in April 2002. Since then, the test stand has been finished and a roof has been put over it so that it would be harder for satellites to see what is going on underneath the test stand."

In order to terrorize the audience, Mr. Powell alleged that the exhaust vent of the test stand is five times longer than that of the stand next to it in the photograph and that this is a big size intended for a huge missile, forgetting that the inspectors are in Iraq now and that they have seen everything themselves. What we want to say is that this site is intended for horizontal, not vertical, engine testing and that the engine being tested is that of a small missile. Even if the engine is small, it requires a large exhaust vent, since testing is horizontal. The inspectors checked everything in this site, including the computer rooms where information on the missile and the conducted tests and examinations are kept. Mr. Powell talked about some construction work under way in the site in order to hide it from satellite photography with a roof. The truth is that there is a roof being built to protect the site from weather conditions, not for the purpose mentioned by Mr. Powell.

33. Mr. Powell said: "But what I want to bring to your attention today is the potentially much more sinister nexus between Iraq and the Al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder. Iraq today harbors a deadly terrorist network headed by Abu Musab al-Zarqawi, an associate and collaborator of Osama bin Laden and his Al Qaeda lieutenants."

This is an outright lie, as Iraq, through its leader, glorious Saddam Hussein, the President of the Republic, declared on 4 February 2003 that Iraq has no links with the Al Qaeda organization. Concerning the issue of Abu Musab al-Zarqawi, the facts are as follows:

During November 2002, the Jordanian Government informed us that the Jordanian Ahmad Fudail Nazal Al-Khalaila, alias Abu Musab al-Zarqawi, and a number of his followers had entered Iraq using numerous passports and identities and with different names because they were wanted for domestic proceedings and were accused of belonging to the Al Qaeda organization. In the light of this information, the Iraqi security services started searching for them and made exceptional efforts in this regard, due to the threat that this matter poses to Iraqi national security and the violation it represents to the laws in force that prohibit any terrorist activity. The results were as follows:

Concerning the Jordanian Ahmad Fudail Nazal Al-Khalaila (Abu Musab al-Zarqawi), no evidence is available with regard to him entering Iraq over any border crossing either under his real name or using the aliases that the Jordanian side indicated to us. The information which is available about him is that he is in the governorate of Al-Sulaymaniyah, Al-Bayara region, in the north of Iraq that has not been under the central authority since 1991. This information was broadcast by a radio station operating from the northern region on 1 February 2003. The Government of Iraq confirms that no governmental or non-governmental party (under Iraqi State control) has previously or currently held a meeting with this person. As for the remaining names contained in the request by the Jordanian side, there is no evidence at present that they are in Iraq. The search for them is still under way, and in this respect, we are in contact with the Jordanian side as we inform them step by step about the results of our follow up, with the last contact made a few days before Colin Powell's speech in the Council.

These terrorist elements are capable of entering and exiting many countries as they use false passports and names with different nationalities; no country can claim itself immune from infiltration by these elements, especially when they use other names than those known to security services. The United States is well aware of this fact and knows that the elements act in this way in all countries in the world, including America. Does their entering any country, including America, without its knowledge constitute an accusation of its link to and relation with this organization?

As for the Ansar Al-Islam organization, the fact is that after the attack, on 22 September 2001, by elements of Ansar Al-Islam against Jalal Talbani's group that controls the governorate of Sulaymaniyah (since 1991), in the region of Halbjah and Taweelah, in the north of Iraq which is not under government control, Mr. Talbani asked Iraq's leadership to support him by providing him with light arms and equipment to face the said organization. The leadership met his request and provided him with arms and equipment that were sent to him in Al-Sulaymaniyah on 23 September 2001.

On 19 November 2002, we provided Talbani's group with another batch of light weapons and equipment to confront the Ansar Al-Islam organization. These facts are documented, as a number of these elements infiltrated Iraqi cities and after having been arrested, they confessed to sabotage operations in Baghdad and some Iraqi cities (bombing, murder and armed assault, including the bombing of a restaurant in a Baghdad district, causing loss of life and material damage). These operations were led by the criminal Tahseen Ali Abdul-Aziz, one of the members of the organization. This material evidence proves the fallacy of the allegations by the American Administration. This group is beyond the control of the Government of Iraq and is under the control of Jalal Talbani, a friend of the United States. The Iraqi

authorities provided Talbani's group with arms and equipment to help them face the Ansar Al-Islam organization.

On the other hand, it is the United States that refused the cooperation offered by Iraq to extradite Abdu-Rahman Yaseen, accused in the World Trade Center incident in 1993.

That individual is an American citizen of Iraqi origin, born in 1958, in the state of Indiana, United States of America. He spent his childhood there, then he came back to Iraq. In 1992, he returned to the United States to join his mother and brother who were living there. The American Embassy in Amman promptly granted him a passport.

During his stay in the United States, he got to know the accused Ramzi Ahmad Yusif, who recruited and convinced him to participate in the World Trade Center bombing in 1993. He participated in preparing the explosives at that time, but withdrew before executing the operation because a chemical liquid was spilt over his body.

One day after bombing the World Trade Center, the Federal Bureau of Investigation summoned him and preliminarily interviewed him; he was then released and he went to Jordan and then to Iraq.

Later in 1993, the American authorities declared that an award of 25,000 dollars would be given to anyone having information about Abdu-Rahman Yaseen; they then raised the award to 25 million dollars.

On 10 January 1994, the Iraqi security services had information on a person named Abdu-Rahman Yaseen, wanted by the Pakistani authorities that accuse him of participating in the World Trade Center bombing in New York. After searching for him, the Iraqi authorities arrested him on 3 April 1994, interviewed him and he admitted that he had links with the perpetrators of the World Trade Center bombing, particularly with Ramzi Ahmad Yusif.

On 12 April 1994, the Iraqi Minister of Information declared, in a press conference, that Iraq had informed the United States of important information about the World Trade Center bombing in New York, and that Iraq requested Americans to set up a committee supervised by the United States Congress in order to allow Iraq to transmit the information to Washington. The United States did not respond to the request.

Iraq then offered to extradite the accused to the American authorities through an international mediator. Again, until now the American authorities have officially refused the offer.

In 2002, the American television network CBS conducted an interview with the said person in the programme "60 Minutes"; he admitted to having a role in the World Trade Center bombing and said that he was held in custody in Baghdad. Deputy Prime Minister Tariq Aziz commented on the interview and said that the person exists and that Iraq is ready to extradite him to the American authorities. The Government of Iraq would like to reaffirm its readiness to extradite the accused officially to the American authorities.

34. Mr. Powell accused Iraq, saying that its use of "mustard and nerve gases against the Kurds in 1988 was one of the twentieth century's most horrible atrocities".

We would like to remind Mr. Powell of the report issued in 1990 by the American Institute of Strategic Studies entitled "Iraqi power and American security in the Middle East". The report said that it was Iranian bombing with chemical weapons that caused the death of Kurds in Halabjah. We also refer him to an article by Steven Peltier published in *The New York Times* on 31 December 2002, saying that "it is Iranian gas that killed Kurds in Halabjah" according to American intelligence and military information.

Excellency,

The above presentation demonstrates with facts and evidence that the United States Secretary of State attempted to mislead the Security Council and the United Nations, and produced false allegations and proof to serve as a cover for the American aggression that is planned against Iraq. Now, the question is the following: is it acceptable that the main responsibility for the maintenance of international peace and security should be entrusted to officials practising open fraud and lies who seek to use the Security Council and the United Nations as a means of furthering the aggressive foreign policy of their country?

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs
Republic of Iraq

United Nations S/2003/204

# Security Council

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## Letter dated 20 February 2003 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to enclose the statement by the Cuban delegation at the 4710th meeting of the Security Council, held on 20 February 2003, on threats to international peace and security caused by terrorist acts (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Bruno **Rodríguez Parrilla**
Ambassador
Permanent Representative

03-25473 (E) 210203 210203

## Annex to the letter dated 20 February 2003 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council

## Statement by the Permanent Representative of Cuba to the United Nations, Ambassador Bruno Rodríguez Parrilla, in the Security Council on the subject of threats to international peace and security caused by terrorist acts, New York, 20 February 2003

The series of terrorist attacks in the most diverse parts of the world that followed the criminal acts of 11 September, the State terrorism against the Palestinian people and the spiral of violence that this generates, and the terrorism against Cuba, inter alia, demonstrate that a comprehensive and collective solution can be found to this ancient and terrible scourge only through harmonious cooperation and consensus, and not by means of war.

Sixteen months later, the facts demonstrate that the war launched in response to the terrorist attacks of 11 September has not achieved its stated objectives.

Hegemonic unilateralism and double standards have prevented the United Nations from recovering its prerogatives and discharging its peace functions. The arbitrary right of veto and its indiscriminate and irresponsible use have tied the hands of the Security Council and subjected Member States, including the non-permanent members of the Council, to tyranny.

Unilateral acts or pre-emptive wars by a State or a group of States, however powerful they may be, on the pretext of combating terrorism are totally unacceptable, and must be categorically condemned, because they would wreck the already precarious collective security system, destroy international law, establish the rule of force worldwide and move us away from the objective of eliminating this scourge.

Progress will be achieved only through international cooperation, not by acts of war, aggression or vengeance whose only consequence will be more violence. Nor will any progress be achieved through the promulgation of laws that authorize extrajudicial executions or arbitrary detentions of national or foreign citizens, by covert action that violates laws and frontiers, by the manipulation of public opinion, by discrimination against and persecution of immigrants, by the abandonment of international humanitarian law, by the violation of human rights or the restriction of the civil freedoms inherent in the State ruled by law, by unilateral sanctions or by "lists" or certifications of countries for murky political purposes.

Nor should the inherent right of self-defence be invoked by a powerful State in response to terrorist acts caused by groups of extremists or individuals, however serious such acts may be, for the unilateral launching of wars that might become global and unpredictable in nature and in which an incalculable number of innocent civilians would die. The right of self-defence can be exercised only as the right of all States to the common defence of all. Otherwise, the countries of the South would be potential victims of acts of force by a few.

The Security Council must not be rushed and compelled to endorse hegemonic and arbitrary decisions that violate the Charter of the United Nations and the sovereignty of all States, nor to make treaty obligations obligatory for States non-

parties, nor to reinterpret or pose the amendment of instruments agreed to by the parties, in flagrant violation of the law of treaties, so as to grant impunity to powerful States and their armed forces.

Only the United Nations is competent to tackle, profoundly and energetically, calmly and resolutely, the serious problems of the globalized world, including terrorism. As the Secretary-General has stated, only this can confer legitimacy on the long-term struggle against terrorism.

To this end, the United Nations can count on the universal participation of States and on principles and norms that are accepted by all and possess historical, moral and legal authority; in extreme cases, it even enjoys the exceptional prerogative of the use of force and of the wisdom, prudence and collective responsibility that entails.

An international struggle needs to be launched against all forms and manifestations of terrorism, with the participation as equals of the countries of the third world, over and above political, religious or any other kind of difficulties, in order to build a just world of free peoples and sovereign and independent States, a world without international terrorism.

Cuba is of the view that any act of force against terrorism will require an explicit decision by the Security Council or the General Assembly, as provided for in the Charter.

Cuba was among the first countries to condemn the crime of 11 September, to express condolences and solidarity with the United States people, to open its airports to dozens of aircraft that were in the air and to offer medical assistance to the victims. It has also exchanged with the United States of America information of mutual interest on terrorism.

In October 2001, Cuba ratified the 12 international instruments on terrorism as a contribution to the international campaign against terrorist acts. In December of that year our country promulgated Act No. 93 against acts of terrorism, which is a comprehensive, modern and stringent code, and since that date has adopted additional effective non-legislative measures, as well as cooperating on its own initiative and in good faith with the Security Council and its Counter-Terrorism Committee, to which it has submitted exhaustive and timely reports, as well as proposing Cuban experts as candidates and offering the Committee technical cooperation and staff. In addition, it has actively supported the negotiation of a general convention against terrorism.

For several decades Cuba has struggled in an exemplary fashion and taken effective measures against international terrorism.

Cuba has never carried out, financed, tolerated or permitted a terrorist act, not even in self-defence against the direct perpetrators or the masterminds of heinous crimes against our people which were financed, organized and conducted from United States territory by the Cuban American National Foundation (CANF) and other groups of the Miami terrorist mafia with complete impunity, in the most recent phase, including bombings, assassination attempts against Cuban leaders and attacks on vital economic targets in Cuba.

Our country has never allowed its territory to be used for terrorist acts against any State, without exception, and it has declared that it will do everything in its power to prevent this in the future.

I categorically reject the slander by the Federal Bureau of Investigation (FBI) Director, Mr. Robert Mueller, before the Senate Intelligence Committee on 11 February 2003, which sought to present Cuba as a threat to the United States, and I challenge him to present the slightest evidence in this regard.

Since 1959 our finances have been transparent, our banks have not accumulated or laundered ill-gotten money, our institutions have not illegally sold information or technologies or tolerated trafficking in arms or dangerous substances, and our frontiers have not afforded shelter to transnational crime.

Cuba will enforce the laws it has in its sovereignty enacted, and expresses its readiness to cooperate with all countries in full respect for the Charter and for international law.

In this spirit, on 29 November 2001 Cuba proposed to the United States Government, without any condition and in keeping with Security Council resolution 1373 (2001) of 28 September 2001, a proposal reiterated in December of that year and in March 2002, three draft bilateral agreements, namely:

(a) A draft programme of bilateral cooperation to combat terrorism, with measures to prevent and suppress the planning, organization, execution, support for or collaboration in and financing of any terrorist act against the other party; and proposals concerning exchange of information and investigative and judicial cooperation;

(b) A draft cooperation agreement to combat illicit traffic in narcotic drugs and psychotropic substances;

(c) A draft agreement on illegal trafficking in persons, originally put forward in September 2001.

Although the United States, on the slightest pretext, has refused even to consider them, Cuba still hopes that there will be a change in that policy.

In the midst of the anthrax crisis, in October 2001, the United States Government was offered 100 million tablets of ciprofloxacin, of which a gift was also made for preventive purposes to United States diplomats in Havana, and in November it was offered a supply of equipment for rapid low-cost typing of strains and spores. In August 2002, Cuba proposed joint investigation and research into the West Nile virus.

It is impossible to eliminate terrorism if some terrorist acts are condemned while others are concealed, tolerated or justified.

For ethical reasons, the use of the veto to block international action to protect the Palestinian people from Israeli State terrorism must end. There must also be an end to the American supplies of aircraft, helicopters and other means whereby that terrorism is carried out.

Terrorism against Cuba must cease.

In the past four decades there have been 691 terrorist acts against Cuba, 68 of them in the 1990s and 33 in the past five years. As a result of them, 3,478 Cubans have died and 2,099 have been disabled.

These same groups have in these 40 years committed 190 terrorist acts against nationals or property of third countries located in United States territory.

Terrorism against Cuba continues to be carried out with absolute impunity from United States territory. On 3 May 1997 and 7 May 1998 the United States President was given evidence of and information on terrorist attacks carried out between 1992 and those dates, including plans for attacks on aircraft.

In Havana on 16 June 1998, Cuba confidentially handed over to two high-ranking FBI officers incontestable, abundant and detailed evidence of those activities, which included 331 pages, record sheets of 64 known terrorists, 4 hours and 38 minutes of secret filming and 21 telephone interceptions.

In August 1998 *The New York Times* made a request to Cuba for information as a follow-up to its later revelations regarding the crimes and plans of Posada Carriles, his journeys to the United States, his connections with the Cuban American National Foundation (CANF) and his links with the CIA and the FBI, which the newspaper had published on 12 and 13 July of that year in connection with a campaign of 10 bombing attacks on hotels in Havana organized and financed by CANF through Posada Carriles which claimed the life of one Italian tourist and injured 12 Cubans.

In response to that request, on 12 August, in Havana, *The New York Times* was exclusively provided, at its request, with essentially the same information provided to the FBI two months earlier. Interviews with detained terrorists were allowed, and access was given to a Cuban agent who had infiltrated CANF and was living under cover.

The only response from the FBI was to detain, on 12 September 1998, Gerardo Hernández, Ramón Labañino, Fernando González, René Gonzalez and Antonio Guerrero. As has been clearly shown, they were, with lofty altruism and courage, trying only to obtain information about terrorist groups based in Miami with a view to preventing their violent acts and saving the lives of Cuban and United States citizens.

They were subjected to 17 months of solitary confinement and other cruel, inhuman and degrading treatment, and two of them have until now, through the refusal of visas, been denied visits by their wives and a daughter who is now four years old.

A civil court in Miami sentenced them to the maximum penalty, without the safeguards of due process, on false charges — including charges that the District Attorney asked to be withdrawn due to lack of evidence — and with a jury that was subjected to threats by terrorist groups and exposed to the intolerance of radical organizations and the anti-Cuban press. A number of known terrorists, called by the defence to testify, were protected by the Fifth Amendment.

At the request of the United States Attorney General, the sentences of two of those men, who are United States citizens, include the following unusual paragraph, which insults the memory of the victims of 11 September, only three months after that crime was committed. It states:

"As a further special condition of supervised release the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence and organized crime figures are known to be or to frequent".

The President of the United States has emphatically stated that: "Justice demands that those who helped or harboured the terrorists be punished — and punished severely. ... One of the things we will do is enforce the doctrine, part of the doctrine that says, 'If you harbour a terrorist, you're just as guilty as a terrorist'." And he launched a war on that premise.

On 20 May 2002, President Bush made an offensive anti-Cuban speech in Miami.

A photograph taken by United States television on that occasion shows the presence, on the podium a few feet away from the President, of Sixto R. Aquit Manrique, who was convicted in 1995 of carrying out an act of terrorism in Miami. In 1992 he took part in a plot to assassinate the President of Cuba. In 1993, he attacked the Maltese vessel *Mykonos* and carried out arms deliveries for terrorist purposes. The testimony of two Miami residents imprisoned in Cuba for an armed infiltration of Cuba on 17 October 1996 associates him with that infiltration. In 1998, the FBI was given a great deal of evidence relating to that individual.

In another photograph taken at the same ceremony, Orlando Bosch Ávila can be seen in the front row. He is said to have been invited to the podium and then to have moved. On 23 January 1989, the Acting Associate Attorney General of the United States, Joe Whitley, wrote, in a confidential decision to deny asylum to and deport Orlando Bosch after his illegal entry into the United States and his imprisonment in 1988, that the United States Government had confidential information confirming that "the bombing of a Cuban airlines aeroplane on 6 October 1976 was a CORU operation under the direction of Bosch".

A declassified document circulated to the Security Council in 1992 (S/23890) confirms "Bosch's involvement, between 1961 and 1968, in more than 30 acts of sabotage and violence in the United States, Puerto Rico, Panama and Cuba. These acts included the May 4, 1968 bombing of the British vessel *Granwood*, the May 30, 1968 bombing of the Japanese vessel *Asaka Maru* and the June 1, 1968 bombing of the Japanese vessel *Mikagesan Maru* ... attempted assassination of the Cuban Ambassador in Buenos Aires ... in 1975, ... bombing of the Mexican Embassy in Guatemala City in 1976 ... between June 1976 and March 1977 ... 16 episodes involving bombings, attempted kidnappings, assassination ... in the United States, Spain, the Caribbean and Central and South America".

However, the order to deport Bosch was cancelled, despite the fact that a court had endorsed the Department of Justice decision. He was pardoned by President George Bush in 1990 and granted residency in the United States.

In a radio broadcast, on 6 June 2002, and then on 16 June in *Diario de las Americas*, Orlando Bosch reiterated his call for the use of terrorism against Cuba. On 22 August 2001, he had already published a "Declaration of Principles" in which he regarded terrorist acts against Cuba as legitimate and necessary.

The next day, in *The Herald*, Mas Santos, the head of the terrorist CANF stated his agreement with the "Declaration of Principles".

On 5 December 2002, the *Miami New Times* quoted Bosch as stating "All the people on the aeroplane were henchmen", in reference to the Cuban aeroplane that was bombed.

Roberto Martín Pérez also appears in photographs of the 20 May ceremony. He is the head of the paramilitary group of the Cuban American National Foundation and one of the organizers of the plan to assassinate the Cuban President during the Ibero-American Summit on Margarita Island in November 1997. On that occasion, four known terrorists were arrested on a boat owned by José A. Llama, a CANF leader. One of the sniper rifles belonged to Francisco Hernández, president of CANF. Those arrested were acquitted in a spurious trial that was denounced in the United States press. Martín Pérez was also the organizer of another, aborted, assassination attempt that was to take place during the CARIFORUM Summit in the Dominican Republic in August 1998.

The terrorist Rodolfo Frómeta Caballero, head of F-4 Commandos, issued a statement on 9 January 2003 in a Miami newspaper called *La Verdad*, declaring, "In 2003 we are still at war". Earlier, on 31 December 2002, *El Nuevo Herald* had confirmed that his group had participated in an attack allegedly undertaken in Cuba. As if that were not enough, on 29 January 2003, *The Wall Street Journal* referred to the alliance of that organization with Venezuelan groups resident in Miami, which organize and carry out military training with a view to confronting the constitutional Government of Venezuela. Information on that terrorist was likewise provided to the FBI.

Posada Carriles, one of the perpetrators of the Cuban aeroplane bombing, was a CIA agent for many years. He escaped from a Venezuelan prison in an operation organized and financed by the Cuban American National Foundation. According to United States Senate records, he reappeared as one of the "Contra-gate" operators, receiving a salary from both the CIA and the United States Department of State. He travelled freely to Miami in 1997 and 1998. He was responsible for the bombing campaign against Havana hotels in 1997 referred to earlier. He also organized an assassination attempt against the Cuban President on the occasion of the Ibero-American Summit in Margarita Island. Now he is in prison in Panama, awaiting trial on charges of trying to blow up, using 20 kilograms of C-4 and 50 packets of Semtex, a university auditorium during a speech by President Fidel Castro on 16 November 2000, in the presence of thousands of professors and students from Panama, on the occasion of another Ibero-American Summit.

Arrested together with him were Pedro Remón Rodríguez, who was responsible for the murder, also on 11 September, but in 1980, of a Cuban diplomat accredited to the United Nations; Guillermo Novo Sampoll, responsible for launching a missile against the United Nations building in 1964 and for the murder of the Chilean diplomat Orlando Letelier and the United States citizen Ronnie Moffit in 1976, and Gaspar Jiménez Escobedo, who murdered a Cuban official in Mexico in 1976 and organized an assassination attempt against the Cuban Ambassador to the United Nations in 1980.

At a recent ceremony in Miami on 15 November 2002 to pay tribute to the terrorists detained in Panama, Orlando Bosch again called for terrorism against Cuba, but the most eloquent speaker on that occasion was Dionisio Suárez, who served a 12-year prison sentence for the murder of Letelier and Moffit. Referring to the acts that those terrorists had planned to carry out in Panama, Dionisio Suárez

said, "They deserve respect; they deserve applause". Suárez, too, was invited to the presidential ceremony that took place on 20 May 2002.

Meanwhile, in Panama, justice is being postponed, the most serious charges have been dropped, the detainees enjoy a luxurious detention, security measures are being relaxed, and known terrorists of CANF resident in Mexico who are financing their defence are allowed to travel freely and meet with them. Cuba's extradition request was rejected despite our request that an international court should sit in Havana and the guarantees that the maximum penalty would not be imposed, and there was no response to Venezuela's extradition request. There is good reason for believing that this terrorist act will remain unpunished.

On 11 November 2002, a Cuban AN-2 aircraft was hijacked and taken to United States territory. Instead of being put on trial, the eight hijackers were given asylum. Instead of being returned, the aircraft was auctioned off.

Two weeks ago, on 7 February, during the "orange" anti-terrorist alert in the United States, a military vessel from the Cuban coastguard service arrived at Key West without being intercepted, and docked there. The vessel was carrying four armed men wearing camouflage fatigues. Although the vessel was returned, the hijackers have not been returned to Cuba and have not been charged.

With complete impunity and with the complicity of United States authorities, funds are being collected in Miami for the purpose of financing terrorist acts, bank accounts that finance terrorism are operating openly and normally; terrorists are being recruited; arms deliveries are taking place; safe haven is being provided, and territory is being allowed to be used by those who finance, plan and carry out terrorist acts.

The Security Council has been kept informed over the years. In 1992 Cuba requested the Council to act, but Cuba's draft resolution S/23990 was not even considered. The United States representative called the meeting a waste of time (S/PV.3080).

Both in 2001 and in 2002, Cuba submitted copious information to the Counter-Terrorism Committee.

Cuba expects the Security Council and its Committee to act.

Cuba expects energetic and responsible action on the part of the international community.

Does resolution 1373 (2001) not apply to the terrorism that, on an ongoing basis and with manifest impunity, is being undertaken from United States territory against Cuba?